

Chapter 9

THE SENIOR OFFICER PRESENT

(Page intentionally left blank)

Chapter 9

THE SENIOR OFFICER PRESENT

Contents

	<i>Article</i>		<i>Article</i>
The Senior Officer Present	0901	Leave and Liberty	0921
Eligibility for Command at Sea	0902	Shore Patrol	0922
Authority and Responsibility	0903	Precautions for Health	0923
Authority of Senior Officer of the Marine Corps Present	0904	Medical or Dental Aid to Persons Not in the Naval Service	0924
To Make Known Identity as Senior Officer Present	0905	Assistance to Persons, Ships and Aircraft in Distress	0925
Reports and Calls by Juniors	0906	Repairs to Merchant Vessels	0926
Commands Diverted by the Senior Officer Present	0907	Detail of Subordinate to Perform Administrative Duties	0927
Authority Within Commands	0908	The Senior Officer Present Afloat	0928
Distinctions Ashore	0909	Relations Between the Senior Officer Present and the Senior Officer Present Afloat	0929
Concert of Action With Other Armed Forces	0910	Authority and Responsibility of the Senior Officer Present Afloat	0930
Relations With Diplomatic and Consular Representatives	0911	Relations With Commanders Ashore	0931
Communication With Foreign Officials	0912	Juniors to Obtain Permission From the Senior Officer Present	0932
Coordination Procedures Established by a Unified or Specified Commander	0913	Authority to Alter Organization	0933
Violations of International Law and Treaties	0914	Exercise of Power of Consul	0934
Use of Force Against Another State	0915	File of the Senior Officer Present Afloat	0935
Territorial Integrity of Foreign Nations	0916	Medical, Dental, Communications and Other Guard	0936
Dealings With Foreigners	0917	Responsibilities of Subordinates	0937
Readiness and Safety of Forces	0918	Boarding Calls	0938
Information Furnished to Subordinates	0919	Granting of Asylum and Temporary Refuge	0939
Protection of Commerce of the United States	0920		

0901. The Senior Officer Present.

Unless some other officer has been so designated by competent authority, the "senior officer present" is the senior line officer of the Navy on active duty, eligible for command at sea, who is present and in command of any part of the Department of the Navy in the locality or within an area prescribed by competent authority, except where personnel of both the Navy and the Marine Corps are present on shore and the officer of the Marine Corps who is in command is senior to the senior line officer of the Navy. In such cases, the officer of the Marine Corps shall be the senior officer present on shore.

0902. Eligibility for Command at Sea.

All officers of the line of the Navy, including Naval Reserve, on active duty, except those

designated for the performance of engineering, aeronautical engineering or special duties, and except those limited duty officers who are not authorized to perform all deck duties afloat, are eligible for command at sea.

0903. Authority and Responsibility.

At all times and places not excluded in these regulations, or in orders from competent authority, the senior officer present shall assume command and direct the movements and efforts of all persons in the Department of the Navy present when, in his or her judgment, the exercise of authority for the purpose of cooperation or otherwise is necessary. The senior officer present shall exercise this authority in a manner consistent with the operational

THE SENIOR OFFICER PRESENT

command responsibility vested in the commanders of unified or specified commands.

0904. Authority of Senior Officer of the Marine Corps Present

The authority and responsibility of the senior officer present are also conferred upon the senior commanding officer of the Marine Corps present with respect to those units of the Marine Corps, including Navy personnel attached, which are in the locality and not under the authority of the senior officer present.

0905. To Make Known Identity as Senior Officer Present

When doubt may exist or when circumstances require, the senior officer present shall inform all commanding officers concerned in the locality or prescribed geographical area that he or she is the senior officer present.

0906. Reports and Calls by Juniors.

All commanding officers shall keep themselves informed of the identity of the senior officer present. The senior commander of each unit present shall inform the senior officer present of the orders under which he or she is acting to the extent permitted therein and of the condition of his or her command. When circumstances permit, he or she shall call upon the senior officer present.

0907. Commands Diverted by the Senior Officer Present

The senior officer present shall not divert a command from an operation or duty assigned by another authority unless the public interest demands. When orders issued by the senior officer present conflict with an operation or duty assigned to a command, the commanding officer of such command shall disclose his or her orders to the senior officer present, to the extent permitted by the instructions contained therein, in order that the senior officer present may give them due consideration. The senior officer present shall inform a common senior promptly upon diverting any command from a previously assigned operation or duty, and shall release such command when its assistance is no longer required.

0908. Authority Within Commands.

In the exercise of authority, the senior officer present normally shall not be concerned with administrative matters within other commands, except to the extent necessary to secure such uniformity and coordination of effort as may be required.

0909. Distinctions Ashore.

The responsibilities, authorities and distinctions of commanders, officers in command and others of the shore establishment are as stated by superiors or other competent authorities, and are not necessarily dependent upon relative seniority among the individuals concerned.

0910. Concert of Action With Other Armed Forces.

When in the vicinity of other armed forces of the United States or of an ally of the United States, the senior officer present shall maintain, to the extent possible, a complete concert of action with the commander of those forces. The senior officer present shall cooperate with the commander of such forces in the preparation and execution of plans for such joint action as may be necessary.

0911. Relations With Diplomatic and Consular Representatives.

The senior officer present shall preserve, insofar as possible, close relations with diplomatic and consular representatives of the United States. He or she shall consider recommendations, requests or other communications from such representatives. While due weight should be given to the opinions and advice of such representatives, the senior officer present is solely and entirely responsible for his or her official acts.

0912. Communication With Foreign Officials.

1. As a general rule, when in foreign countries, the senior officer present shall communicate with foreign civil, diplomatic or consular officials through the local United States diplomatic or consular representatives.

THE SENIOR OFFICER PRESENT

2. In the absence of a diplomatic or consular representative of the United States, the senior officer present in a foreign country has the authority to:

a. communicate or remonstrate with foreign civil authorities as may be necessary; and

b. urge upon citizens of the United States the necessity of abstaining from participation in political controversies or violations of the laws of neutrality.

0913. Coordination Procedures Established by a Unified or Specified Commander.

In areas where the commander of a unified or specified command has established procedures for coordination of military matters affecting United States and host country relationships, the senior officer present shall adhere to such procedures.

0914. Violations of International Law and Treaties.

On occasions when injury to the United States or to citizens thereof is committed or threatened in violation of the principles of international law or in violation of rights existing under a treaty or other international agreement, the senior officer present shall consult with the diplomatic or consular representatives of the United States, if possible, and shall take such action as is demanded by the gravity of the situation. In time of peace, action involving the use of force may be taken only in consonance with the provisions of the succeeding article of these regulations. The responsibility for any application of force rests wholly upon the senior officer present. The senior officer present shall report immediately all the facts to the National Command Authority, keeping the operational chain of command and the Secretary of the Navy informed.

0915. Use of Force Against Another State.

1. The use of force in time of peace by United States naval personnel against another nation or against anyone within the territories thereof is illegal except as an act of self-defense. Naval personnel have a right of self-defense against hostile acts or hostile intent (imminent threat to

use force). This right includes defending themselves, their subunits and, when appropriate, defending U.S. citizens, their property and U.S. commercial assets in the vicinity.

2. The conditions calling for application of the right of self-defense cannot be precisely defined beforehand, but must be left to the sound judgment of responsible naval personnel who are to perform their duties in this respect with all possible care and forbearance. The use of force must be exercised only as a last resort, and then only to the extent which is absolutely necessary to accomplish the end required.

3. Force must never be used with a view to inflicting unlawful punishment for acts already committed.

0916. Territorial Integrity of Foreign Nations.

The senior officer present shall respect the territorial integrity of foreign nations. Unless permission has been obtained from foreign authorities:

a. No armed force for exercise, target practice, funeral escort or other purpose shall be landed.

b. No persons shall be allowed to visit the shore, except as necessary to conduct official business.

c. No persons shall be landed to capture deserters.

d. No target practice with guns, torpedoes, rockets, guided missiles or other weapons shall be conducted within foreign territorial waters or at any point from which projectiles, torpedoes or missiles may enter therein.

0917. Dealings With Foreigners.

The senior officer present shall uphold the prestige of the United States. He or she shall impress upon officers and enlisted personnel that, when in foreign ports, it is their duty to avoid all possible cause for offense to the authorities and inhabitants; that due deference must be shown by them to local laws, customs, ceremonies and regulations; that moderation and courtesy should be displayed in all dealings

THE SENIOR OFFICER PRESENT

with foreigners; and that a feeling of good will and mutual respect should be cultivated.

0918. Readiness and Safety of Forces.

1. The senior officer present shall prescribe the conditions of readiness of all the forces present and under his or her authority.
2. To the extent which the situation demands, the senior officer present shall be prepared for action and shall guard against surprise attack. With the means at his or her disposal, he or she shall put into effect such measures as are necessary to minimize the possibility of the undetected approach of hostile air, surface or submarine forces.
3. The senior officer present is responsible for the safety and security of the units in company and, at sea, shall direct the course to be steered and the disposition to be employed. Nothing in this article will be construed as abrogating the authority of the commander of a task force or task command.

0919. Information Furnished to Subordinates.

Before engaging in any operation in time of war, if practicable, the senior officer present shall supply the commanding officers present with the operation plan and battle plan, and shall communicate to his or her principal subordinates present such information as will assist them if called upon to assume command.

0920. Protection of Commerce of the United States.

Acting in conformity with international law and treaty obligations, the senior officer present shall protect, insofar as lies within his or her power, all commercial craft of the United States in their lawful occupations.

0921. Leave and Liberty.

Subject to such orders as may have been received from competent authority, the senior officer present shall regulate leave and liberty.

0922. Shore Patrol

1. When liberty is granted to any considerable number of persons, except in an area that can absorb them without danger of disturbance or

disorder, the senior officer present shall cause to be established, temporarily or permanently, in charge of an officer, a sufficient patrol of officers, petty officers and noncommissioned officers to maintain order and suppress any unseemly conduct on the part of any person on liberty. The senior patrol officer shall communicate with the chief of police or other local officials and make such arrangements as may be practicable to aid the patrol in carrying out its duties properly. Such duties may include providing assistance to military personnel in relations with civil courts and police, arranging for release of service personnel from civil authorities to the parent command, and providing other services that favorably influence discipline and morale.

2. A patrol shall not be landed in any foreign port without first obtaining the consent of the proper local officials. Tact must be used in requesting permission; and, unless it is given willingly, the patrol shall not be landed. If consent cannot be obtained, the size of liberty parties shall be held to such limits as may be necessary to render disturbances unlikely.

3. Officers and enlisted personnel on patrol duty in a foreign country normally should not be armed. In the United States, shore patrol may be armed as prescribed by the senior officer present.

4. No officer or enlisted person who is a member of the shore patrol or beach guard, or is assigned in support thereof, shall partake of or indulge in any form of intoxicating beverage or other form of intoxicant while on duty, on post or at other times prescribed by the senior patrol officer. The senior patrol officer shall ensure that the provisions of this paragraph are strictly observed and shall report promptly in writing to the senior officer present all violations of these provisions that may come to his or her notice. All officers and enlisted personnel of the patrol shall report to the senior patrol officer all violations of the provisions of this paragraph on the part of those under them.

0923. Precautions for Health.

The senior officer present shall take precautions to preserve the health of the persons under his or her authority. He or she shall obtain information regarding the healthfulness of the area and medical facilities available therein and

THE SENIOR OFFICER PRESENT

shall adopt such measures as are required by the situation.

0924. Medical or Dental Aid to Persons Not in the Naval Service.

The senior officer present may require the officers of the Medical Corps and Dental Corps under his or her authority to render emergency professional aid to persons not in the naval service when such aid is necessary and demanded by the laws of humanity or the principles of international courtesy.

0925. Assistance to Persons, Ships and Aircraft in Distress.

1. Insofar as can be done without serious danger to the ship or crew, the commanding officer or the senior officer present as appropriate shall:

a. proceed with all possible speed to the rescue of persons in distress if informed of their need for assistance, insofar as such action may reasonably be expected of him or her;

b. render assistance to any person found at sea in danger of being lost;

c. afford all reasonable assistance to distressed ships and aircraft; and

d. render assistance to the other ship, after a collision, to her crew and passengers and, where possible, inform the other ship of his or her identity.

2. Assistance may be rendered inside the territorial sea of a foreign country without the permission of the coastal state in accordance with customary international law as reflected in applicable directives and operational orders. Such assistance entry into the territorial sea is limited to situations in which the location of persons or property in distress is reasonably well known.

3. Reporting requirements.

a. Assistance rendered by ships or aircraft inside foreign territorial seas will be immediately reported to the cognizant unified commander, the Joint Chiefs of Staff, the

cognizant American embassy, U.S. Defense Attache Office and other appropriate commanders.

b. If the distress is not life-threatening, U.S. aircraft will remain outside foreign territorial seas pending coordination with the operational chain of command, including the cognizant unified commander and the Department of State.

c. Assistance which does not involve entry into foreign territorial seas shall be promptly reported to the Chief of Naval Operations and other appropriate commanders.

4. The accounting for rendering assistance and repairs pursuant to this article shall be as prescribed by the Comptroller of the Navy.

0926. Repairs to Merchant Vessels.

1. There is no authority to effect repairs to a merchant vessel in collision with a Navy ship or craft except:

a. when specifically approved by Congress;

b. when, in the opinion of the senior officer present, the exigencies of war or of national interest so require; or

c. when, in the opinion of the senior officer present, repairs are necessary to save life or to prevent the merchant vessel from sinking.

2. A report of repairs effected under authority of this article, including labor and material costs and a certification by the senior officer present as to why such repairs were undertaken, will be included in the report of the senior officer present or in his or her forwarding endorsement to the Chief of Naval Operations and other appropriate superiors.

0927. Detail of Subordinate to Perform Administrative Duties.

When no officer has been detailed by other competent authority to perform administrative duties, the senior officer present may detail a subordinate officer to carry out his or her routine administrative duties, but in no way shall such detail relieve the senior officer present of his or her responsibilities.

THE SENIOR OFFICER PRESENT

0928. The Senior Officer Present Afloat.

Unless some other officer has been so designated by competent authority, the "senior officer present afloat" is the senior officer of the Navy, eligible for command at sea, who is present and with primary duty as commander of any unit or force of the operating forces of the Navy in the locality or within an area prescribed by competent authority, whether afloat or based ashore, except such units as may be assigned to shore commands by competent authority.

0929. Relations Between the Senior Officer Present and the Senior Officer Present Afloat.

1. When the senior officer present afloat is not the senior officer present, all matters affecting the units under his or her authority shall normally be referred to the senior officer present for appropriate action.

2. When an officer of the Marine Corps is the senior officer present on shore, and senior to the senior officer present afloat, the latter shall refer all matters, except those directly connected with units under his or her authority, to the former for appropriate action.

0930. Authority and Responsibility of the Senior Officer Present Afloat.

As the common superior of commanders of all Navy units of the operating forces of the Navy in a locality, except such units as may be assigned to shore commands by competent authority, the senior officer present afloat is responsible for matters which affect these naval commands collectively. In the exercise of his or her authority, the senior officer present afloat normally shall not be concerned with administrative matters within other commands, except to the extent necessary to secure such uniformity and coordination of effort as may be required. In case of emergency or enemy attack, subject to the orders of the senior officer present, the senior officer present afloat shall assume command of all Navy units of the operating forces of the Navy present.

0931. Relations With Commanders Ashore.

When within the prescribed limits of authority of the commander of a naval shore activity, the senior officer present afloat and all other

commanders of Navy units of the operating forces of the Navy present shall conform to the standing orders of such authority in all matters of common interest. Even though senior to the commander, the senior officer present afloat shall make no changes in local orders, plans and arrangements, except as necessary to carry out his or her duties or for other causes which unquestionably demand a change, and then only after consultation with the commander, if practicable.

0932. Juniors to Obtain Permission From the Senior Officer Present.

A junior in command shall, when meeting a senior at sea or in port, obtain permission, by signal or otherwise, to continue on duty assigned, to anchor or get underway, or to perform any evolution or other act of importance.

0933. Authority to Alter Organization.

The senior officer present afloat may organize the forces present under his or her command into such task organizations as he or she may deem desirable, but in so doing, he or she shall preserve their existing tactical organization insofar as practicable.

0934. Exercise of Power of Consul.

When upon the high seas or in any foreign port where there is no resident consul of the United States, the senior officer present afloat has the authority to exercise all powers of a consul in relation to mariners of the United States.

0935. File of the Senior Officer Present Afloat.

1. While in port, the senior officer present afloat shall require that a file of all orders issued by any competent authority which are applicable to the naval forces present be maintained. This file shall be transferred to the succeeding senior officer present afloat.

2. Whenever circumstances warrant and for continuity purposes, the senior officer present afloat may detail a subordinate officer to carry out routine administrative duties and maintain a Senior Officer Present Afloat (Administration) file. If a subordinate officer is not available, or such a detail is not appropriate, the senior officer

THE SENIOR OFFICER PRESENT

present afloat may arrange for the detail of an officer for the task.

0936. Medical, Dental, Communications and Other Guard.

When two or more ships are in the vicinity of each other while liberty is being granted, the senior officer present afloat shall designate the daily order in which each ship having a medical officer shall take the medical guard unless facilities or services are available ashore or other adequate provision has been made. Similar provisions shall be made with respect to the establishment of a dental guard, communications guard, shore patrol or any other guard as may be necessary in support of his or her responsibility.

0937. Responsibilities of Subordinates.

The regulations contained in this chapter shall not be construed to relieve commanders junior to the senior officer present, or to the senior officer present afloat, from their individual responsibilities in relation to their commands.

0938. Boarding Calls.

1. When he or she considers it appropriate, the senior officer present shall send an officer to board and report on ships and craft displaying United States colors found in or arriving at foreign ports.

2. The following information normally shall be obtained by boarding officers:

- a. name, nationality, owner and type of craft;
- b. number and names of persons in crew;
- c. tonnage and cargo;
- d. place from and time out of port;
- e. probable date of departure and destination; and
- f. unusual events during passage, general route taken and weather conditions encountered.

3. Under ordinary circumstances, the boarding officer can offer assistance in United States

postal matters and provide medical and technical advice.

0939. Granting of Asylum and Temporary Refuge.

1. If an official of the Department of the Navy is requested to provide asylum or temporary refuge, the following procedures shall apply:

a. On the high seas or in territories under exclusive United States jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, territories under United States administration and possessions):

(1) At his or her request, an applicant for asylum will be received on board any naval aircraft or waterborne craft, Navy or Marine Corps activity or station.

(2) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction or control, unless at the personal direction of the Secretary of the Navy or higher authority. Persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

b. In territories under foreign jurisdiction (including foreign territorial seas, territories and possessions):

(1) Temporary refuge shall be granted for humanitarian reasons on board a naval aircraft or waterborne craft, Navy or Marine Corps activity or station only in extreme or exceptional circumstances wherein life or safety of a person is put in imminent danger, such as pursuit by a mob. When temporary refuge is granted, such protection will be terminated only when directed by the Secretary of the Navy or higher authority.

(2) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the Chief of Naval Operations or the Commandant of the Marine Corps. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions.

THE SENIOR OFFICER PRESENT

(3) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

(4) While temporary refuge can be granted in the circumstances set forth above, permanent asylum will not be granted.

(5) Foreign nationals who request assistance in forwarding requests for political asylum in the United States will not be received on board, but will be advised to apply in person at the nearest American Embassy or Consulate. If a foreign national is already on board, however, such person will not be surrendered to foreign jurisdiction or control unless at the personal direction of the Secretary of the Navy or higher authority.

c. The Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, will be informed by the most expeditious means of all action taken pursuant

to subparagraphs 1.a. and 1.b. above, as well as the attendant circumstances. Telephone or voice communications will be used where possible, but must be confirmed as soon as possible with an immediate precedence message, information to the Secretary of State (for actions taken pursuant to subparagraphs 1.b.(1) and 1.b.(5) of this article, also make the appropriate American Embassy or Consular Office an information addressee). If communication by telephone or voice is not possible, notification will be effected by an immediate precedence message, as described above. The Chief of Naval Operations or the Commandant of the Marine Corps will cause the Secretary of the Navy and the Deputy Director for Operations of the National Military Command Center to be notified without delay.

2. Personnel of the Department of the Navy shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.